

Appln. No.: 09/934,120
Amendment Dated: October 27, 2005
Reply to Office Action of: August 5, 2005

MTS-3271US

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1-6 and 16-17. These sheets replace the original sheets.

Appln. No.: 09/934,120
Amendment Dated: October 27, 2005
Reply to Office Action of: August 5, 2005

MTS-3271US

Remarks/Arguments:

Claims 1-2, 5-8, 36, 39 and 48 have been amended. No new material is introduced herein. Claims 9-12, 42-43 and 45-46 have been cancelled. Claims 3-4, 13-35, 37-38, 40-41, 44, 47, and 49-50 have been withdrawn. Claims 1-2, 5-8, 36, 39 and 48 are pending.

Figures 1-6 have been objected to as lacking a prior art legend. Figures 1-6 have been amended accordingly.

Figures 16 and 17 have been amended. Features 1301 and 1302 were mislabeled as "1401" and "1402," respectively. These features have been amended accordingly.

The abstract of the disclosure is objected to as including legal terminology. The abstract has been amended accordingly.

The specification has been rejected under 35 U.S.C. §112, first paragraph, as including terms which are not clear, concise and exact. The specification has been appropriately amended. Withdrawal of the rejection is respectfully requested.

The disclosure has been objected to because of informalities including "forward to step 116" and incorrect element feature "204" should be "2404." The disclosure has been appropriately amended.

Claims 1, 5, 36, 39 and 48 have been objected to for including informalities. Claims 1, 36 and 39 have been amended appropriately. Claim 5 has been amended to depend from claims 1 or 2.

With respect to the Examiner's objections to claims 36, 39 and 48, Applicants do not intend that 35 U.S.C. §112, Paragraph 6 should apply. Accordingly, in the means claims 36 and 39, the word "for" can not be used and the word "of" has been deleted for clarity. Applicants respectfully note that claim 48 is a method claim and does not include the phrase "means of investigating" and "outputting means of producing." The words "step of" has been used following the Sealflex decision quoted with approval in MPEP 2181 "... the term "step" alone and the phrase "steps of" tend to show that §112, 6 does not govern ...".

Claims 1, 2, 5-8 and 48 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which Applicants regard as the invention. In particular, in claims 1 and 48, it is the transmission packet and not the source packet that is transmitted. Accordingly, claims 1 and 48 have been appropriately amended. Withdrawal of the rejection is respectfully requested.

Claims 1, 5-7, 36, 39 and 48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rijckaert et al. (U.S. Patent No. 6,801,544). It is respectfully submitted, however, that these claims are now patentable over the cited art for the reasons set forth below.

Applicants' invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by the cited art, namely:

...transmission packet generating means...

... determining a value within a predetermined portion of said time stamp of each of said source packets...

...grouping one or more of said source packets that have a same value...

...combining and outputting said grouped source packets having the same value as one unit of transmission packet data... (Emphasis Added)

These features are disclosed, for example, page 56, line 14 through page 58, line 19 and Figures 7-10.

Rijckaert et al. disclose a format for transporting transport packets over a 1394 bus. Rijckaert et al. further disclose, in Fig. 16B, N time stamps 53 representing time instances of a group of N transport packets are grouped into a time stamp packet 147 (Col. 14, line 66-Col. 15, line 13). Figures 16C-16E illustrates other methods for grouping time stamps into a time stamp packet (Col. 15, lines 14-48). Rijckaert et al. does not disclose or suggest Applicants' claimed features of "...transmission packet generating means determining a value within a predetermined portion of said time stamp of each of said source packets...grouping one or more of said source packets that have a same value...combining and outputting said grouped source packets having the same value as one unit of transmission packet data..." (emphasis added). These features are neither disclosed nor suggested by Rijckaert et al. Rijckaert et al. only discloses grouping time stamps into a

Appln. No.: 09/934,120
Amendment Dated: October 27, 2005
Reply to Office Action of: August 5, 2005

MTS-3271US

time stamp packet. Thus, Rijckaert et al. does not include all of the features of amended claim 1. Accordingly, allowance of claim 1 is respectfully requested.

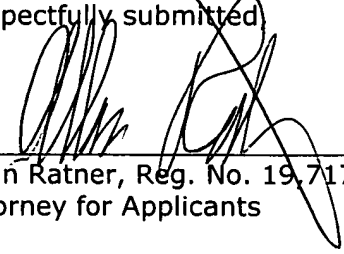
Claims 5-7, 36 and 39 include all of the features of claim 1 from which they depend. Accordingly, claims 5-7, 36 and 39 are also patentable over the cited art.

Claim 48 has been amended. Although not identical to claim 1, claim 48 includes features similar to amended claim 1 which are neither disclosed nor suggested in the cited art. Accordingly, allowance of claim 48 is respectfully requested.

Claims 2 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rijckaert et al. and further in view of Applicants' admitted prior art. These claims, however, also include all of the features of claim 1 from which they depend. Applicants' admitted prior art does not make up for features that are lacking in Rijckaert et al. Accordingly, claims 2 and 8 are also patentable over the cited art.

In view of the amendments and arguments set forth above, the above identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


Allan Ratner, Reg. No. 19,717
Attorney for Applicants

DMG/ds/fp

Attachments: Figures 1-6, 16-17 (4 sheets)
Abstract

Dated: October 27, 2005

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450 on:

October 27, 2005

